

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

CHARLES ALBERT,	Case No.: 0065011639
Charging Party,	
-v-	ORDER
CITY OF BILLINGS,	
Respondent.	

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On August 18, 2005, Charles Albert (Albert) filed a complaint with the Department of Labor and Industry (Department) alleging that the City of Billings discriminated based on disability when it refused to allow him to attend a meeting regarding Albert's code violations. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Albert's allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Albert filed objections with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 8, 2006.

The Commission will review a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2003); Admin. R. Mont. 24.9.1714(3)*. After careful and due consideration, the Commission concludes the determination of the Department to dismiss the complaint is sufficiently supported by the record and there was no abuse of discretion.

A party may ask a district court to review a decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7); See also Mont. Code Ann. § 2-4-702*. If a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the

alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2003); Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charles Albert's objection is **overruled**. The Commission adopts and affirms the determination of the Human Rights Bureau to dismiss the complaint.

DATED this \_\_\_\_ day of May 2006.

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Chair Franke Wilmer  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this \_\_\_\_\_ day of May 2006.

CHARLES ALBERT  
314 SOUTH 26<sup>TH</sup> STREET  
BILLINGS MT 59101

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Montana Human Rights Bureau